

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed September 16, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 10 and 17 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In regard to claim 10, the Office Action questions how the email web content can access imaging data. Applicant notes that "content" is defined in the application as follows (page 4, lines 15-21):

Content. A set of executable instructions that is served by a server to a client and that is intended to be executed by the client so as to provide the client with certain functionality. Web content refers to a content that is meant to be executed by operation of a Web browser. Web content, therefore, may non-exhaustively include one or more of the following: HTML code, SGML code, XML code, XSL code, CSS code, Java applet, JavaScript and C-"Sharp" code.

Applicant later describes execution of the email web content. For instance, on page 12, lines 4, Applicant states:

... email service responds to the request by supplying email web content to the browser (block 78). the browser accordingly display and executes the email web content from the email service (block 80), which access a list of links for all the composition stored in the composition store and obtains a list of links for all the imaging data (block 82). The email content retrieves the imaging data in a form that can be displayed on the browser (block 84), and displays these retrieved imaging data on the browser (block 86) (an exemplary page of the browser produced by the web application content is shown in FIG. 4).

From the above excerpts, it is clear what is meant by “accessing” imaging data by the email web content.

The Office Action further rejects claims 10 and 17 for lack of antecedent basis for various claim terms. Both claims have been amended to provide antecedent basis for all terms.

In view of the above, it is respectfully asserted that claims 10 and 17 define the invention in the manner required by 35 U.S.C. § 112. Accordingly, Applicant respectfully requests that the rejections to these claims be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Frigon (U.S. Pub. No. 2002/0103813) in view of Gough, et al. (“Gough,” U.S. Pat. No. 6,360,221). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a proper case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, to make a proper case for obviousness, there must be a prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference.

In the present case, each of Applicant’s remaining independent claims has been amended. Because of those amendments, Applicant respectfully submits that the rejection is moot as having been drawn against Applicant’s claims in a previous form.

Applicant briefly discusses those independent claims in the following, however, for the Examiner's consideration.

Applicant's independent claims 10 and 17 provide as follows (emphasis added):

10. A method for sending, via email, imaging data stored in a personal imaging repository, said method comprising:
requesting web content from an email web service using a client computer;
receiving email web content on the client computer sent from the email web service;
displaying and *executing the email web content on the client computer to cause the email web content to automatically access images stored in the personal imaging repository;*
receiving a user selection of images to be emailed to a recipient;
transferring selected images along with a user configuration to the email service with the email web content; and
sending the selected images and the user configuration with an email message to the recipient.

17. A computer program product comprising a computer usable medium having computer readable program code embodied in the medium that when executed causes a computer to:
request web content from an email web service;
receive email web content from the email web service;
display and execute the email web content in a browser;
automatically access images stored in the personal imaging repository with the email web content;
receive a user selection of images to send;
transfer selected images along with a user configuration to the email service with the email web content; and
send the selected images and the user configuration with an email message to a recipient.

Regarding independent claim 10, Applicant notes that neither Frigon nor Gough teaches or suggests "receiving email web content on the client computer sent from the email web service" and "executing the email web content on the client computer to cause the email web content to automatically access images stored in the personal

imaging repository”. Claim 10 and its dependent claims are allowable over Frigon/Gough for at least this reason.

Regarding independent claim 17, Applicant notes that neither Frigon nor Gough teaches or suggests a computer program product having computer readable program code that when executed causes a computer to “receive email web content from the email web service”, “execute the email web content in a browser”, and “automatically access images stored in the personal imaging repository with the email web content”. Claim 17 is allowable over Frigon/Gough for at least this reason.

III. Canceled Claims

As identified above, claims 1-9 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

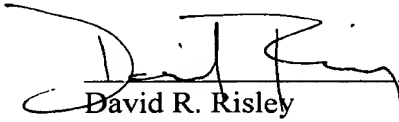
IV. New Claims

As identified above, claims 18-28 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

CONCLUSION

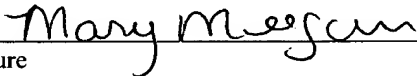
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

10-28-04


Signature